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COMMERCIAL ZONE PIER DEVELOPMENT PLAN

Background

Since the 1970's, Baltimore has experienced a significant and beneficial change to the City's waterfront. Numerous vacant and underutilized industrial properties along the Northwest Branch of the Patapsco shoreline have been redeveloped into commercial and residential properties. This investment has been a significant factor in Baltimore's redevelopment. It has created new places for Baltimore's citizens to work, live and play; brought new residents to the City; and it has contributed significantly to the City's tax base through both property and piggy-back taxes.

Now, much of the non-industrially zoned property along the waterfront in the City (primarily the Inner Harbor, Fells Point, Canton and Harborview) has undergone or is planned for new development. The City continues to experience pressure to convert more industrial land for mixed-use and to allow for more creative mixed-use development on piers. It is the City's, the Planning Commission's and Planning Department's, responsibility to take the lead in looking at avenues for new patterns of growth along the waterfront and to create the tools needed to guide growth.

Allowing structures on piers is clearly an opportunity for the City; however, it also raises many concerns. This Plan identifies the design and policy issues that must be addressed when considering a proposal for a non-water dependent structure on a pier. All of the elements of this document incorporate Baltimore's historic and existing plans and vision for development of our non-industrial waterfront.

The public interest issues focus on both pragmatic (how the site will function) and design (how the project will look and fit into the existing environment) issues, and are listed below under the following general categories:

- Public Accessibility;
- Maritime Activity;
- Urban Design;
- Environmental;
- Townhouses on Piers.

Issues related to physical design for fire access and safety have been adopted by Ordinance and incorporated into the City Building Code or Zoning Ordinance.

Public Accessibility

The water is Baltimore's most significant development and recreational attraction and a major component of our renaissance. The City's policy of public access to the water has played a major and positive role in our redevelopment. Baltimore is unusual and perhaps unique because of the significant amount of shoreline that is publicly accessible. Public

access to the water and the significant amount of public access to the water is Baltimore's signature and makes Baltimore a unique American city.

Of the City's 42 miles of shoreline, 10 miles are zoned for business and mixed-use (B zoned) or residential (R zoned). All of the non-industrially zoned shoreline is planned to be publicly accessible. During the 1970's, the City's Planning Department took a lead role in designating two types of publicly accessible shoreline: the public pedestrian promenade or hard edge that is around much of the Inner Harbor today, and the Middle Branch Park - a public green space along the shoreline.

The following is a summary of publicly accessible shoreline.

- The promenade, which is to extend from the Museum of Industry to the Canton Waterfront Park, has 6.25 miles of shoreline. Approximately 80% percent has been constructed.
- The Middle Branch Park system has approximately 3.12 miles of naturally vegetated parkland or publicly accessible shoreline, including parkland, the Greenways Trail and the easement granted by Harbor Hospital.
- There are a number of other areas that have or are planned for public access to the water. This includes residentially zoned Fort McHenry (.73 miles); and industrially zoned Fort Armistead Park (.61 miles), the Canton Crossing Planned Unit Development (.17 miles) and Tidepoint Industrial Planned Unit Development (.17 miles). This is a total of 1.68 miles.

While other cities have public walkways along short portions of their waterfronts, in their main central cores or shopping areas, few American cities can boast of such an extensive promenade. This Baltimore characteristic should be considered sacred. For that reason, a key piece of this Plan is our recommendation that substantial public access to the water be provided on each every project.

The following specific guidelines are recommended when reviewing public access on piers:

1. All piers with structures should include a continuation of the Waterfront Promenade at a width required in the urban renewal plan or as recommended by the Planning Commission preferably along the pier's entire length and all sides. The pier should be incorporated into the Baltimore Waterfront Promenade system. While it is desirable to have access along the entire water's edge of the pier, there should be options for creative designs that may only have one link from the end of the pier to land.
2. It is City policy to restrict waterfront promenade access to pedestrians only. Vehicular access across the promenade shall be limited to emergency vehicles only. Service vehicles may be allowed under a specific agreement with the City, which will regulate frequency and limit hours of accessibility.

3. The design for any non-water dependent structures or buildings allowed on piers should also include public access at the end of the pier that creates special vistas and public spaces that capitalize on Baltimore's unique waterfront views.

Maritime Activity

The Baltimore Harbor is used for maritime and recreational boating. Baltimore is a major port and the port activities are a major economic engine for the City, State and region. In addition, there are over 3000 recreational boat slips in Baltimore's harbor. In response to the inherent conflicts between these competing uses the City adopted a Maritime Master Plan – A Plan for the Waters of Baltimore's Harbor, which was developed to provide a guide to enhance navigational safety for the City's waterways. A principle for navigational safety is that there is an inherent conflict between the large vessels for the port and recreational boats. The Maritime Master Plan also recognizes that the relationship of the land and piers to the water can create or exaggerate navigational conflicts and decrease safety. From this perspective, uses of the water and landside uses should be compatible. To assure buildings on piers do not negatively impact navigational safety, the following recommendation is made:

1. Any policy developed allowing non-water dependent buildings or structures on piers should be in conformance with the Maritime Master Plan.

Urban Design

The water, public access to the water and views of the water are key attractions for many who want to live and work on the waterfront. Much of Baltimore's already successful waterfront development is built on these same attractions. The City must be judicious in how and where it allows development of non-water dependent structures and buildings on piers to preserve existing views from land and improve upon the character and enjoyment of Baltimore's waterfront. There are several guiding urban design principles impacting the policy of allowing non-water dependent structures and buildings on piers, including public pedestrian access (already discussed), vehicular access, views and the creation of special places. Views and vehicular access are discussed in further detail below.

Vehicular Access to Piers - One recurring issue along the pedestrian promenade has been the desire for some individuals to have vehicular access across the promenade. This was allowed in three cases to accommodate townhouses on four piers. In general, this is not a desirable urban design element. Pedestrian space should be reserved for the pedestrian. Allowing vehicles to cross the promenade creates an awkward situation at best, where people, who think they are in a pedestrian only environment, are confronted with vehicles. Often these vehicles are coming out from in-between buildings with little sight distance. Based on this experience with vehicular conflicts at the promenade, the following criteria should be followed where buildings on piers are proposed:

- Further intrusions of vehicles accessing parking by crossing the pedestrian promenade should not be allowed.
- Pier parking should be on the landside of the development. Drop-off areas should also be on the landside of the development and not on the pier. If

parking is permitted on a pier structure, the public promenade must go around the entire pier at a width required by the urban renewal plan and be separated from the vehicular access.

- In general, the access for vehicles should be limited to emergency vehicles. Considerations may also be made for servicing the buildings and for servicing ships that may be docked along the pier. Consideration could include limiting the time of day that the buildings or ships are serviced to early morning hours when there is limited pedestrian activity.
- Water related uses at the pier should also be located to minimize impacts on pedestrian flow. Loading and unloading of the vessels, gang planks and related activities should minimize impact on the promenade. The Maritime Master Plan should be referenced when commercial vessels are proposed for docking on piers.

View Corridors- There are several types of special views to and from the water that make the consideration of view corridors important as part of developing public policy on allowing non-water dependent structures or buildings on piers. First, many taxpayers (businesses and residents) have invested in their property based on having views to the water. The location and placement of buildings on piers has the potential to negatively impact adjacent property owners' views. Plans for Baltimore's Harbor have historically recognized the importance of public views from the land to water, legally protecting some of these views in urban renewal plans. There are 10 protected view corridors around Baltimore's Harbor (2003 Maritime Master Plan – Section 2). These views were intended to extend from the land out into the water uninterrupted by vessels or other water based obstructions. The second type of view is from the water or from land on the opposite shore. These views are also important, and require that the structure or building allowed on the pier create a special view and a sense of place, acting as an asset to the opposite shore and remainder of the Harbor. The piers are special places that only cities along the water have. Allowing non-water dependent structures or buildings on piers is a unique opportunity for a city and for the developer. Therefore, as part of any new approval process, the must create standards that encourage unique and attractive developments and discourage the mundane.

Pier Width- Non-water dependent development should only occur on piers that are 60-feet or wider. A minimum width of 60-feet is needed to allow for the building, emergency vehicle access to the building, and the pedestrian promenade. The State regulations allow for piers to be modified slightly. Therefore, even if a pier is currently slightly narrower than 60 feet, it could be modified and widened to the minimum 60 feet.

The following criteria must be utilized when evaluating the proposed pier structure's impact on neighboring pier and property's views:

- In reviewing applications for pier structures, the City will evaluate the impact on views from the adjoining community and adjacent property owners. Where significant views exist, the City may require modifications to the plan to protect all, or a portion of those views.

- Buildings should have height limitations that are appropriate based on surrounding adjacent land uses.
- View corridors protected in existing Urban Renewal Plans shall be interpreted to extend out over the water to the Channel.

Environmental

There is a general concern about the impact on the environment when building over water. Covering the water, and eliminating or reducing light has a negative impact on the environment, especially fish habitat. In addition, the creation of large piers with buildings can decrease water quality by increasing impervious surfaces and contributing to polluted run-off from the pier and its buildings. It should also be noted that Federal Emergency Management Administration (FEMA) does not provide flood insurance to buildings on piers because they are over water, existing pier structures must seek private insurance at much greater expense. There are regulations in place to guard the environmental interests. These regulations are enforced by the U.S. Army Corp of Engineers, the Maryland Department of the Environment, the State Critical Area Commission and the Department of Planning and Flood Plain regulations (Federally and State mandated, and City implemented).

Finally, piers are structures and not land; therefore, they will deteriorate over time. If a developer is going to put a building on a pier it is important that they provide a program for maintaining the pier structure. Historically, the maintenance plans for piers are for 50 years.

Because of the inherent environmental stresses and flood risk created by additional structures over water, the following policies should be adhered to when reviewing a conditional use for a pier structure:

- All development on piers must meet Baltimore City Critical Area Management Program requirements.
- All development on piers must minimize negative impacts to water quality and habitat in the Chesapeake Bay by incorporating 'green' building techniques both in the building and surrounding landscape. This should include green roves or other techniques to limit runoff and improve water quality.
- Any building constructed on piers must obtain flood insurance before an occupancy permit is issued.
- A 50-year maintenance plan must be submitted along with State and Federal permit applications for review. This plan must specify the legal instrument for long term funding of repair and maintenance of the pier along with enforcement provisions. In no instance should the City be liable for the repair or maintenance of the pier.

Townhouses on Piers

The four existing or approved piers that are developed for non-water dependent uses have all been developed for townhouses. During the design approval process for these townhouses on piers, several major policy and public safety issues arose. These issues arose primarily because of the townhouses use. A pier used for townhouse or any type of single-family home creates several basic policy and design issues:

- Public vs. Private: For each of the piers, public access was a major issue. First, in accordance with City policy the public promenade is supposed to be 20 feet wide. Piers are generally long and narrow and providing this wide of a promenade for the piers proposed for townhouses was not practical. In the case of Belt's, a 10-foot wide wooden deck (open from dawn to dusk) was provided around the pier and for Northshore a 12-foot wide deck (open from dawn to dusk) was provided. In the case of Harborview townhouses, neither pier is providing public access to the water. These piers were relatively narrow and extremely long. In addition, the adjacent graving dock (a graving dock is dug into the land), which was developed by the same developer for the Harborview tower, extends farther into the water and has public access. The construction of townhouses on piers and the inability to design them with appropriate public access has the potential to be in conflict with the desired public policy of insuring public access to the water, unless the design is sensitive to the public needs.

Also, since these were individual homes, the individual homeowners desired privacy and a secure environment, which meant excluding the public completely or at night. There is an inherent conflict with the City's desire to have public access to the piers, and the individual desire for privacy when single-family style homes are developed. A more public building, even if it were an apartment building, would not have the same inherent need.

- Vehicular Access: Because townhouses are all individual homes, each site needed to have vehicles cross the existing public promenade. This creates a basic public safety issue as to how to design vehicular access across what is otherwise an exclusive pedestrian promenade. Vehicles on the pedestrian-exclusive area are also undesirable from a safety and design perspective
- Fire Access: A concern in each case was insuring proper fire access. In each of the aforementioned townhouse cases, fire truck access had to be considered carefully. While special considerations for fire safety have to be made for any building on a pier, when the pier is developed for townhouses, the site is developed horizontally, and not vertically; that is more of the pier is covered with building and less space is available for the fire truck to maneuver properly.
- Future Costs: One concern when building on piers is the future maintenance cost of the pier. In the case of townhouses, there is a concern about the ability for these homeowners to pay for the long-term maintenance of the pier and for possible replacement of the pier in the long term. This is similar to Coldspring Newtown where the parking is below decks. The maintenance of these decks has been more than the homeowners can bear and they have come to the City

for financial assistance. The goal of this document is to limit future financial burden on the City by assuring development occurs in appropriate places and in an appropriate format.

All of these factors create the dilemma of desired private investment conflicting with a public benefit. Single-family homes (whether fee simple or condominiums) by their very nature require privacy and service that are in direct conflict with the City's overall desire to make the waters edge a public pedestrian place. The City's desire to have the water's edge a public place is paramount to the City's master planning efforts; public pedestrian access to all of the non-industrial waterfront is one component that makes Baltimore unique; the retention of and implementation of public pedestrian accessibility along the water for all non-industrial land in the City must be maintained. In this case, the public good outweighs the individual desire for privacy and exclusivity. Therefore, while staff is not recommending prohibiting the development of townhouses or single-family homes; the development should only be allowed if it meets all the criteria outlined this Plan.